IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

Bail Appl..No. 6522 of 2007()

(CRIME NO.98 OF 2007 OF PANANGAD POLICE STATION)

PETITIONERS/1ST & 3RD ACCUSED:

1. **PRAVEEN, AGED 21 YEARS,**
   S/O PAUL, PULICKAL HOUSE,
   NETTOOR P.O., ERNAKULAM.

2. **SALAM, AGED 35 YEARS,**
   S/O ALIYAR, 'PADINJARE KOLLAMPARAMBIL',
   KALAMASSERY P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.PHILIP T.VARGHESE

RESPONDENT: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.
REPRESENTING CIRCLE INSPECTOR OF POLICE,
PANANGAD POLICE STATION, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6522 OF 2007

Dated this the 26th day of November, 2007

O R D E R

Application for regular bail. There were two petitioners. The second petitioner has already been granted bail as per order dated 29.10.2007 and has been released from custody. The petitioner faces allegations for offences punishable under sections 326 and 307 IPC and Section 27 of the Arms Act. The alleged incident took place on 18.2.07. The incident alleged by arose from the rivalry between persons – allegedly belonging to two different goonda groups. The petitioner was arrested on 17.8.07. He continues in custody from that date. Final report has already been filed. Cognizance has been taken but appearance of all the accused is not complete. Report of the learned Magistrate does not show that there is any immediate prospect of commencement of trial.

2. The learned Public Prosecutor opposes the application on the ground that the petitioner has a dubious history of criminal antecedents. The learned Public Prosecutor submits that the

release of the petitioner would affect the law and order situation in that locality. If this Court were pleased to grant the petitioner regular bail, appropriate and strict conditions may be imposed in the interest of ensuring that the petitioner is available for trial and in the interest of maintenance of law and order in the locality.

3. As there is no immediate prospect of commencement of trial, I am unable to accept the request of the learned Public Prosecutor that the petitioner must be kept in custody till the trial is completed against him. However, I am satisfied that appropriate conditions can be imposed to allay the apprehensions aired by the Public Prosecutor.

4. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall report before the C.I. of Police, Ernakulam Town South Police Station, who has conducted the investigation, between 5 pm. and 6 pm. on all Mondays and Fridays until the case against the petitioner is disposed of finally.

(iii) The petitioner shall not leave the sessions/division of Ernakulam and shall not enter the jurisdiction of Panangad Police Station until further orders.

(iv) The petitioner shall furnish to the investigating officer the address of his place of residence within 7 days of his release from custody and shall keep the investigating officer informed of further change of address, if any.

(R.BASANT, JUDGE)

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